REMARKS

Claims 1, 3-7, 9-13, and 15-17 are pending. With the present submission, claims 1, 3, 5, 9, and 16 are currently amended, and claims 2 and 8 are newly canceled.

Claim 16 is amended to address informalities.

Claims 1 and 5 are amended to incorporate the features recited in dependent claims 2 and 8, respectively. Accordingly, claims 2 and 8 are canceled, so the dependency of claims 4 and 9 is changed to depend from pending claims instead of from canceled claims.

Because these amendments put no new subject matter in the claims, entry of the amendment and consideration of the associated remarks is justified. (Because a new ground of rejection was presented in the Final Office Action, applicants had do reason to submit the present remarks until after Final.)

Accordingly, applicants request that the present amendments be entered and that the remarks be considered.

The pending claims stand rejected based on prior art, and applicants submit that the rejections should be withdrawn for at least the following reasons:

Applicants' machine remote monitoring system is characterized by starting communication *after* confirming identification information in reply to an incoming call. Communication does not start and no machine transmits status data until the identification information is determined and confirmed.

Applicants acknowledge that *Chou et al.* (U.S. Patent No. 6,330,499) discloses diagnosing means, communicating means, and the usage of identification information. However, *Chou et al.* does not disclose the implementation of these means or the usage of this information *after* making the decision to receive an incoming call from a previously registered station with certain identification information. As described in column 9, lines 28-39, a driver triggers a

request in step 1 and a health check-up session is started in reply thereto in step 2. Then, in step 3, a diagnostic server instructs the diagnostic client to gather vehicle data, such as the vehicle identification number (VIN) and a malfunction code. Thus, it is clear that *Chou et al.* does not disclose a sequence of steps wherein the communication starts by receiving identification information.

Applicants also acknowledge that *Fujino et al.* (U.S. Patent No. 6,691,023) discloses sampling cycle of data for diagnostics. However, *Fujino et al.* does not disclose a machine for periodically accessing a remote monitoring device in order to transmit condition data.

In contrast, with applicants' invention, condition data representing the operating condition of machine is supplied to a remote monitoring system by accessing from a managed machine side. The apparatus makes a decision whether or not a failure occurs based on condition data and carries out troubleshooting for the failure. With such a configuration, it is possible to determine the failure based on the condition data before a failure is detected in the machine side, as well as when the failure is detected in the machine side. In particular, the troubleshooting program is downloaded from the database that stores the latest information. Further, the machine side is highly secure, because communication starts by accessing from the machine side. Additionally, maintenance parts can be ordered immediately when the troubleshooting result is given, so maintenance can be performed quickly. (See, for example, applicants' specification, page 6, lines 5-24.)

Claim 1 describes a machine remote monitoring system that has:

> troubleshooting means, which starts up a predetermined program when it is confirmed that the failure occurs based on the condition data, and detects the cause of failure, and contents given by the information providing means includes the cause of failure decided by the troubleshooting means.

Claim 5 describes a machine management method that includes the step of making access to a remote monitoring apparatus so as to transmit condition data of the mobile managed machine at every predetermined time and whenever a failure is detected or at one of these occasions. The claim 5 machine management method also has the step of troubleshooting to determine a cause of failure when the remote monitoring apparatus confirms an occurrence of failure based on:

condition data which includes a failure data that is detected in the machine.

For justification of the rejection, the Office Action provided comments with respect to claims 2 and 8, which were the claims reciting the subject matter at the time of issuance of the Office Action.

However, instead of indicating that portions of the cited prior art that supposedly taught or suggested the claim elements provide above, the Office Action merely provided general statements. For example, the first such comment for claim 2 is only:

Note all figures, col. 10 line 22 to col. 24 line 7 for example

(Office Action, page 2). Applicants respectfully respond that such a statement does indicate how the prior art teaches or suggests the claimed subject matter.

In view of the remarks above, applicants now submit that the anticipation and obviousness rejections should be withdrawn and a Notice of Allowability should be issued. However, if the Examiner ultimately decides to maintain the rejection, applicants request that he clearly indicate he believes that the prior art teaches or suggests the claimed subject matter, especially the element cited above, by indicating the particular prior art element or text instead of a general citation without comment to the majority of the publication.

In the event that this paper is not timely filed, applicants petition for an appropriate extension of time. The fees for such an extension, or any other fees which may be due, may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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